

**BOARD OF APPEALS CASE NO. 5109**

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**BEFORE THE**

**APPLICANT: Jeffrey B. Caudill**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct additions within the required setbacks; 4228 Webster Road, Havre de Grace**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 12/1/00 & 12/6/00**

**HEARING DATE: January 17, 2001**

**Record: 12/1/00 & 12/8/00**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Jeffrey Brian Caudill, is seeking a variance pursuant to Section 267-35B, Table III, of the Harford County Code, to construct additions within the required 15 foot side yard and 35 feet total side yard setback (11 foot side and 29 foot total side yard setback proposed) in an RR/Rural Residential District.

The subject parcel is located at 4228 Webster Road, Havre de Grace, Maryland 21078 and is more particularly identified on Tax map 44, Grid 2C, Parcel 19. The parcel consists of 0.69 acres, is zoned RR/Rural Residential and is entirely within the Second Election District.

Mr. Jeffrey Caudill appeared and testified that he intends to add a two-story addition to his home which traverses the front of the house. The witness referred to architectural renderings in describing the addition. The addition will make room for a large porch, a master bedroom addition and a mud room. There exists a circular driveway to the front and a mature stand of pine and maple in the front yard. In order to comply with existing setback requirements and not seek a variance, both the driveway and trees would suffer removal. To the rear is the septic reserve eliminating the rear as a possible location for this addition. The Applicant's grandfather lives to the east of the Applicant's parcel and to the west is the Applicant's mother. The Applicant did not feel that the addition, including the minimal encroachment proposed, would have any adverse impacts to neighboring properties or materially impair the purpose of the Harford County Code. If the variance were not granted a reconfiguration of the addition would require removal of mature trees and reconfiguration of ingress and egress to the property which the Applicant thought would impose an unnecessary hardship on him.

The Department of Planning and Zoning recommends approval of the request as proposed. The Department agrees with the Applicant that this is a more practical location for

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such an addition. While the Applicant could build out toward the road, the Department feels this proposal allows a more uniform setback. The Department agreed that this addition will make the house compatible with others in the neighborhood, will not impair the purpose of the Code and will not adversely impact adjoining or neighboring property owners.

There were no persons appearing in opposition to the Applicant's request.

### **CONCLUSION:**

The Hearing Examiner finds sufficient topographical constraints on this property to allow a finding of uniqueness. The existence of the rear septic reserve and system as well as mature trees to the front are unique to this property and demand that any additions be made to the sides of the house. The Applicant is intending a wrap-around addition that adds a mud room to one side of the house, a master bedroom to the other and expands the living room in the front porch area. The design and location of the addition is dictated by the unique features found on this parcel. The Hearing Examiner finds no adverse impacts associated with the proposal and the purposes of the Code are not impaired. Lastly, it is a matter of good planning and zoning principles to protect existing mature trees and forest area whenever possible. The Hearing Examiner agrees that a reconfiguration would require such removal representing an unwarranted hardship.

The Hearing Examiner recommends approval of the request, subject to the following:

1. The existing stand of pine and maple trees be protected during and after construction.
2. The Applicant obtain all necessary permits and inspections.

Date     JANUARY 26, 2001

William F. Casey  
Zoning Hearing Examiner